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Question of Cyprus

Oceans and the law of the sea

Letter dated 8 March 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to my letter dated 31 January 2014, I wish to bring to your attention, and strongly protest, the completion of the illegal water connection, through a subsea water pipeline, between Turkey and the areas of the Republic of Cyprus occupied by the Republic of Turkey since 1974 contrary to international law.

This conduct constitutes yet another deliberate act of provocation by Turkey aiming at consolidating Turkish effective political and economic control over the occupied part of Cyprus and to bolster the military occupation of the northern part of the island. Moreover, it is yet another internationally wrongful act which occurs during a critical phase of the negotiating process for the solution of the Cyprus problem. Through this act, Turkey attempts to reinforce its hold on the occupied territory of the Republic of Cyprus, not only by maintaining ownership of the infrastructure and the water that will be transferred to Cyprus, but also by dictating the terms of its management. At the inauguration ceremony of the project on 17 October 2015, the Prime Minister of the Republic of Turkey, Ahmet Davutoglu, stated that Turkey and the so-called "TRNC" have been interlocked in such a way that they will never be separated, thus revealing Ankara's true intentions. So much for the euphemism "peace project"!

Turkey's assertion that this is a development project which will benefit all of Cyprus is legally unfounded, misleading and false. No authorization has even been sought from or granted by the competent authorities of the Government of Cyprus, as is required under international law, including the United Nations Convention on the Law of the Sea (1982) and the applicable national legislation.

Laying of pipelines in Cyprus's territorial waters, continental shelf and infrastructure works in the occupied territory of the Republic of Cyprus, stands in blatant violation of the sovereignty and sovereign rights of the Republic of Cyprus, as well as of the human rights of the Greek Cypriot owners whose properties have been adversely affected by this project.

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Turkey also stands in violation of basic principles of international humanitarian law.[1] As the occupying power, Turkey is in breach of its obligations under articles 43 and 46 of the annex to the Fourth Hague Convention of 1907 (which has entered the realm of customary international law) to respect the laws of the Republic of Cyprus and private property.

Water shortage has always been a major challenge for Cyprus, and a comprehensive water policy has always been a priority issue for successive Governments of the Republic. In the Government-controlled areas of the Republic, the water shortage problem has been dealt with through the implementation of an integrated water policy, including the construction of desalination plants and sewage systems.

Moreover, since 1974, the Government of Cyprus has undertaken significant maintenance and repair works for the dams providing water to the occupied areas. In addition, in 2010 the Government of the Republic of Cyprus supported the construction, in those areas, of a desalination plant under the European Union Financial Aid Regulation for the Turkish Cypriot Community, a project which unfortunately was hindered by the Turkish occupation forces.

Given the rejection of alternative ways to address water shortage, and in the light of several statements made by high-ranking Turkish State officials regarding the significance of this project for Turkey and its subordinate local administration in the occupied part of Cyprus, it can be safely assumed that Turkey's real aim is to cement the illegal division of the island and to strengthen the secessionist entity's economic and political subordination to Turkey.

At this stage, it is necessary to focus on efforts towards an early solution of the Cyprus problem and the reunification of the island. Only in a reunified Cyprus will it be possible to formulate and implement a holistic strategy for development and to address a number of pressing issues, including adequate and sustainable water supply, away from foreign intervention, control or undue dependence.

My Government kindly requests your assistance in sending a strong message to Ankara, to the effect that the Republic of Turkey must comply with international law, respect the sovereignty of the Republic of Cyprus, and refrain from creating new faits accomplis on the ground, which jeopardize the peace process and potentially deepen the division of the island. Such actions, especially when accompanied by provocative statements, not only complicate the negotiating process, but also undermine the much-needed trust between the two communities and the efforts to maintain a conducive climate at a very critical juncture.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 44 and 79 (a), and of the Security Council, and have it published on the website of the Division for Ocean Affairs and the Law of the Sea of the Secretariat in the next Law of the Sea Bulletin.

(*Signed*) Nicholas **Emiliou**

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[1] The applicability of the rules of international humanitarian law to the Cypriot situation has been acknowledged by the European Court of Human Rights: see *Varnava and Others v. Turkey* (Grand Chamber), 18 September 2009, paragraph 185.